



CITY OF SOUTH FULTON
HISTORIC & CULTURAL LANDMARKS COMMISSION
REGULAR MEETING
TUESDAY, MAY 14, 2019 at 1:00 P.M.

Present: Dr. Lynn Anidi, Cybil Talley, Charles "Storm" Mitchell, and Carmen Howell Ferguson
Absent: Dr. John Herring and Elizabeth Miller

Meeting Called to Order: Senior Planner, Richard Hathcock calls the meeting to order at 1:05pm.
Following the roll call by Richard Hathcock. There was not a quorum for this meeting.

1. NEW BUSINESS

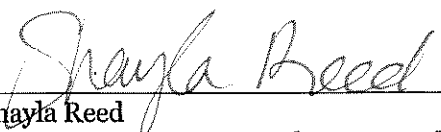
Senior Planner, Richard Hathcock, welcomed the board and thanked them for their participation in the inaugural Historic and Cultural Landmarks Commission. Mr. Hathcock explained that this would be a meeting would be a training meeting with no items that required a vote.

Mr. Hathcock presented a PowerPoint for the training of the board, see attached PowerPoint slides.

Following the presentation, the Board gave ideas of potential historic properties that included Red Oak and Campbellton Historic District.

2. ADJOURNMENT

Seeing no more questions, the meeting was adjourned.

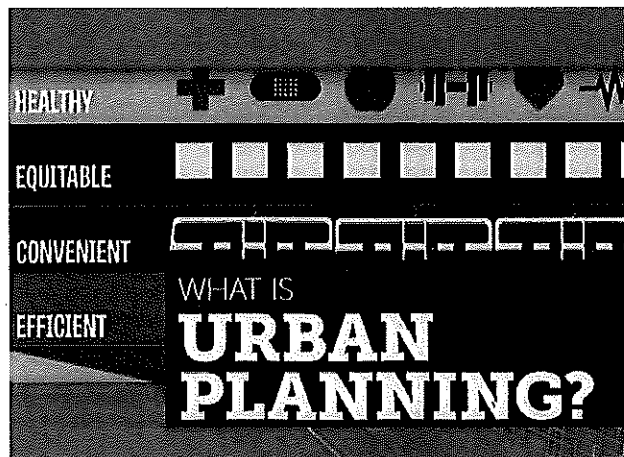


Shayla Reed

Director, Community Development and Regulatory Affairs

Planning 101

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What is Historic Preservation?

"Historic preservation" is an endeavor that seeks to preserve, conserve, and protect buildings, objects, landscapes, and other artifacts of historical significance.

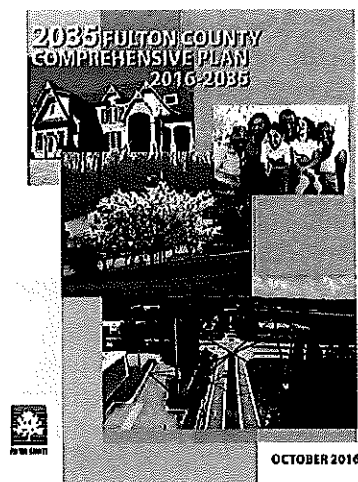
- Historic preservation focuses on promoting the historic, architectural, archaeological, and cultural heritage, features, and qualities of our City.
- Buildings, neighborhoods, farms, and objects are all items that may hold value to the City's history and sense of place.
- This process will encourage continuous research into our City's past and culture.



Comprehensive Plans (Master Plan)

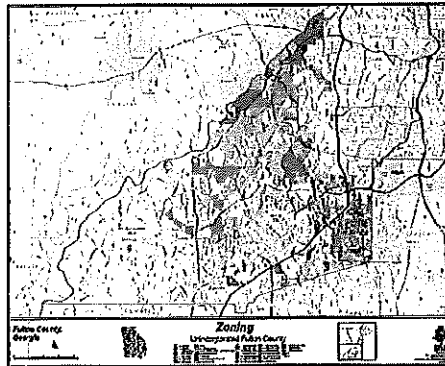
Comprehensive Plans...

- The most, well, : comprehensive version of planning!
- Prepared as a long-range guiding document for a community to achieve its vision and goals.
- Provides the policy framework for regulatory tools like zoning, subdivision regulations, historic preservation, and other policies.



Zoning Districts & Map

- The zoning map shows the legal boundaries for each zoning district. Districts regulate the uses, building size, and other features for all properties in the district.
- Zoning districts are often based on the types of uses that are allowed, with separate districts for residential, commercial, agriculture, recreation, and industrial development.



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Roles of the City Planner & Historic and Cultural Landmarks Commission

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Functions & Role of Historic & Cultural Landmarks Commission

The duties of a Historic & Cultural Landmarks Commission vary depending on the local legislative body's expectations and its delegation of specific duties and functions. Most Historic & Cultural Landmarks Commissions are advisory boards that provide detailed, professional knowledge on historic preservation.

This Board has an advisory role and provides recommendations to Mayor and Council on historic preservation matters.

- Encouraging and facilitating public participation in the preservation process;
- Administering the City's Certified Local Government Program;
- Create, maintain, revise, and amend the Historic Resources Survey;
- Hearing matters related to issuance of Certificates of Appropriateness for demolition, relocation or other work on designated sites.

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Chairing the Commission

A chairperson understands the issues, understands his or her fellow members, can maintain order, and is able to bring the Planning Commission to a decision even on complicated or controversial issues.

A member should be named as chair for his or her leadership abilities in addition to having other qualities such as integrity and fairness.

Responsibilities of the Chair

A chairperson has two types of responsibilities: those contained in the Commission's rules of procedure and those that are more related to his or her leadership abilities.

Procedural responsibilities include, but are not limited to, the following:

- Presides over the meetings of the Commission;
- Managing public comments;
- Understand parliamentary procedure (Robert's Rules of Order); and
- Works with staff in setting and reviewing the agenda;

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Staying out of Trouble

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What are the biggest legal issues facing local government commissions across the country?

- Constitutional Issues (1st Amendment) in regulations affecting:
 - Signs
 - Sexually Oriented Businesses
- Conflicts of Interest
- Findings (justification of conclusions, contested facts)
- Records management (readable testimony, trial setting)
- Meeting management and sunshine laws (adequate notice, start on time, staff reports/notes available to public for review)
- Ex parte communications

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What is RLUIPA?

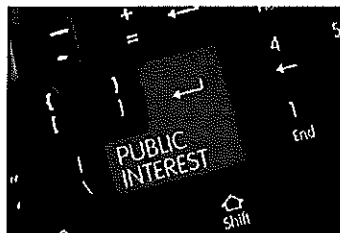
- Religious Land Use and Institutionalized Persons Act of 2000
- Protects individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws. RLUIPA prohibits zoning and landmarking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest.
- This prohibition applies in any situation where:
 - (i) the state or local government entity imposing the substantial burden receives federal funding;
 - (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or
 - (iii) the substantial burden arises from the state or local government's formal or informal procedures for making individualized assessments of a property's uses.
- In addition, RLUIPA prohibits zoning and landmarking laws that:
 - (1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions;
 - (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;
 - (3) totally exclude religious assemblies from a jurisdiction; or
 - (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

Suggested Ethics Standards:

- Make a disclosure on the record at a public meeting of any relationship that might lead to an "appearance of impropriety"
- Do not participate if you, your spouse, children, or parents have a direct interest in a project
- Ask other commission members to make a finding on the record as to whether you have a conflict, if it is important for you to participate

The Public Interest (continued)

4. When citing the public interest as the reason for a particular action, be sure that the public at large (i.e., the whole community) will benefit and not just certain individuals or groups.
5. Decisions made in the public interest should consider, to the extent possible, future as well as current generations.
6. All Commission meetings, minutes, records, documents, correspondence and other materials shall be open to public inspection in accordance with the Freedom of Information Act.



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Legal Aspects of Commission Membership

Commissioners, like the members of all other public bodies, must comply with:

- State laws regarding financial disclosure and public meetings.
- Conflict of Interest Law and the Open Meetings Act
- Attempts to influence another Commissioner outside the public forum.
- Items of confidentiality must remain confidential at all times.



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